

**IN THE UNITED STATES V COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**FENNER INVESTMENTS, LTD.,**

## Plaintiff

**VS.**

**NO. 6:07-CV-08 (LED)**

- (1) MICROSOFT CORP.;
- (2) NINTENDO CO., LTD.;
- (3) NINTENDO OF AMERICA INC.;

## Defendants.

**ORDER GRANTING NINTENDO CO., LTD. AND NINTENDO OF AMERICA INC.'S  
UNOPPOSED MOTION FOR LEAVE TO FILE RESPONSE TO SURREPLY IN  
SUPPORT OF NINTENDO'S MOTION TO STRIKE INFRINGEMENT CONTENTIONS  
FOR FAILURE TO COMPLY WITH PATENT RULE 3-1**

Before the Court is Nintendo's Unopposed Motion for Leave to File Response to Surreply in Support of Nintendo's Motion to Strike Infringement Contentions for Failure to Comply With Patent Rule 3-1. The Court is of the opinion that the motion for leave should be granted.

It is therefore ORDERED that Nintendo may file the response to surreply and supporting exhibits attached as Exhibit A to Nintendo's unopposed motion for leave.

**So ORDERED and SIGNED this 4th day of October, 2007.**



**LEONARD DAVIS**  
**UNITED STATES DISTRICT JUDGE**